



PATENT

Attorney Docket No. 66597 (0921)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas M. Cowan et al.

Appln. No.: 08/821,890

Filed: March 21, 1997

Title: **TELEVISION DISTRIBUTION SYSTEM FOR
SIGNAL SUBSTITUTION**

Patent No.: 6,941,573 B1

Issued: September 6, 2005

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Certificate of Corrections Branch; Commissioner For Patents; P.O. Box 1450; Alexandria, VA 22313-1450, on this date.

Date

Registration No.

Attorney for Applicants

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

ATTENTION: Certificate of Correction Branch
Office of Patent Publication

Certificate

DEC 22 2005

of Correction

**REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT
FOR PTO MISTAKE (37 C.F.R. § 1.33)**

Sir:

In accordance with 37 C.F.R. § 1.323, the above-specified patentees, through their attorneys, respectfully request that a Certificate of Correction be issued for the above-referenced patent to correct the following errors.

The exact page and line number where the errors occurred in the application file are:

IN THE CLAIMS:

Column 16, Claim 4, Line 17: Change "a-store" to -- a store --;

Column 16, Claim 5, Line 29: Change "aunique" to -- a unique --; and

Column 18, Claim 21, Line 46: After "consumers;" begin a new paragraph.

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REMARKS

The above-requested changes result from errors which occurred during printing of the patent. Attached hereto is Form PTO/SB/44 incorporating the requested changes.

In accordance with procedures set forth in the notice entitled "Expedited Issuance of Certificates of Correction When the Error is Attributable to the United States Patent and Trademark Office," Patentees submit herewith a copy of the Response to Office Action dated July 16, 2004 so that this request can be processed without the patent file.

A Certificate of Correction (Form #PTO 1050) incorporating all of the above changes is enclosed in duplicate. As these mistakes include errors on the part of the Patentees, please charge our deposit account, Deposit Account No. 06-1135, in the amount of \$100.00 to cover the required fee. Should this calculation be incorrect, please charge any additional fee or credit any overpayment to our Deposit Account No. 06-1135. A duplicate copy of this sheet is enclosed.

Please send the Certificate to:

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Respectfully submitted,

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ATTORNEY DOCKET NO. 66597

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Cowan et al.)
Appln. No.: 08/821,890)
Filed: March 21, 1997)
Title: TELEVISION DISTRIBUTION)
FOR SIGNAL SUBSTITUTION)
Group Art)
Unit: 2611)
Examiner: Vivek Srivastava)

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DOCKETED
JUL 22 2004
BY: D Gr.

RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action dated January 16, 2004,
4please amend the above-identified application as follows:

Amendments to the Claims reflected in the listing of claims
which begin on page 2 of this paper.

Remarks begin on page 11 of this paper.

Amendments to the Claims

1. (Previously Amended) A consumer response analysis system comprising:

a targetable television system including a head end, a signal distribution arrangement and a plurality of television receivers for viewing by consumers, said head end including circuitry for transmitting normal television program signals and substitute television program signals on a plurality of distribution trunks connected by the signal distribution arrangement to said plurality of television receivers, each television receiver being connected to the plurality of distribution trunks preselected so that the receivers connected to at least one of the distribution trunks demographically represents the community for market research purposes, the head end including signal distribution circuitry for receiving the normal television program signals and the substitute television program signal and for combining the received channel signals into spectrums of channels on the plurality of distribution trunks, the spectrum of channels on less than all of the plurality of distribution trunks including the substitute television program signal;

a plurality of product sales collection units each for collecting information representing purchases by the consumers at one of a plurality of stores and for generating product identifying signals identifying the products purchased and the sales collection unit collecting the information, each sales collection unit predominately collecting purchase information by consumers viewing receivers connected to the Same distribution trunk, whereby the system is closed between the targetable television system and the product sales

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collection units by the acts of the consumers viewing the programs presented on the respective television receivers and shopping in a store including a sales collection unit; and

a market research computer system including data for identifying the particular sales collection units associated with each of the distribution trunks and responding to said transaction response signals to provide an indication of consumer behavior in response to said normal and substitute programs.

2. (Original) A consumer response analysis system in accordance with claim 1 comprising controller apparatus for controlling signal substitution on the distribution trunks and for identifying such substitution to the market research computer system.

3. (Original) A consumer response analysis system in accordance with claim 2 wherein the consumers are distributed throughout a viewer community and the distribution means comprise means for splitting the signals on each distribution trunk into a plurality of substantially identical copies and for conveying the signal copies by fiberoptic means to geographically grouped consumers.

4. (Original) A consumer response analysis system in accordance with claim 3, wherein each sales collection unit is located in a-store shopped predominately by consumers from one of the geographic areas.

5. (Original) A method for use in a consumer response analyzing system comprising apparatus for distributing television programming to a plurality of zones in a community of consumers

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and consumer data collection points located in stores in the zones for collecting consumer purchase data, the method comprising:

associating one of the zones with each consumer data collection point, said association, being made when a majority of purchases at a particular data collection point are made by consumers from one of the zones;

assigning each consumer data collection point a unique identifying address;

presenting television programming to the community so that a substitute program is presented to the consumers in a first set of zones and normal programming is presented to consumers in a second set of zones;

accumulating consumer purchase data from the consumer data collection points along with the identifying address of each consumer data collection point providing accumulated consumer purchase data; and

analyzing the collected data of the consumer data collection points identified as being associated with a zone receiving the substitute program and the collected data identified as being associated with a zone receiving the normal programming to identify the market significance of the substitute programming.

6. (Original) A method in accordance with claim 5 comprising:

identifying consumer data collection points in the community which are located in stores where a majority of the purchases are made by consumers from one of the zones; and

storing in a computer memory information associating the consumer data collection points identified in the identifying step with the zone including the consumers making the majority of purchases.

7. (Previously Amended) A method in accordance with claim 6 comprising storing in the computer, demographic data describing the type of a store in which each consumer data collection point is located, and wherein the analyzing step comprises identifying market significance based in part on the computer stored demographic data.

8. (Original) A method in accordance with claim 7 comprising only data accumulated from consumer data collection points located in stores having similar demographic data description.

9. (Previously Amended) A television distribution and analysis system for delivering a plurality of channel signals in separated TV channels to a plurality of cable television subscribers residing in a geographic area comprising:

a plurality of normal channel signal sources for producing normal TV channel signals to be delivered to subscribers;

a source of a substitute channel signal to be substituted for at least one normal channel signal;

signal distribution circuitry for receiving the normal channel signals and the substitute channel signal and for combining the received channel signals into spectrums of channels on a plurality of distribution trunks, the spectrum of channels on

less than all of the plurality of distribution trunks including the substitute channel signal; and

apparatus for generating a plurality of substantially identical copies of the spectrum of channels of each distribution trunk;

apparatus for connecting the substantially identical copies of the channel spectrum of each distribution trunk to different substantially contiguous zones of the geographic area;

a plurality of customer purchase data collectors for collecting customer purchase data in stores of the geographic area, each customer purchase data collector representing purchases made by subscribers residing in one of the zones; and

a data analysis computer system for accumulating customer purchase data from the data collectors and for analyzing the collected data to identify the market significance of the normal and substitute channel signals connected to the zones of the geographic area.

10. (Original) The television distribution and analysis system of claim 9 wherein each customer purchase data collector is located in a store a majority of whose purchasers are subscribers in one of the zones and the data analysis computer comprises memory for storing for each customer purchase data collector, the identity of the zone including the collector.

11. (Previously Amended) The television distribution and analysis system of claim 9 wherein the apparatus for connecting connects the spectrum of channel signals from one of the distribution trunks to zones of the community separated from

one another by zones connected to others of the distribution trunks and selected to demographically represent the community for market research purposes.

12. (Original) A television distribution and analysis system in accordance with claim 9 wherein the zones connected to at least one distribution trunk are selected to demographically represent the community for market research purposes.

13. (Previously Amended) A television distribution and analysis system in accordance with claim 9 wherein the connecting apparatus comprises fiber optic apparatus for connecting the substantially identical copies of the channel spectrum of each distribution trunk to different ones of the zones.

14. (Original) A television distribution and analysis system in accordance with claim 9 comprising a plurality of first signal combiners equal in number to the number of distribution trunks each first signal combiner receiving as inputs first channel modulated normal signals for which no signal substitution is performed and second channel modulated signals including normal signals and at least one substitute signal.

15. (Cancelled)

16. (Original) A television distribution and analysis system in accordance with claim 15 comprising:

a video switch apparatus for receiving as inputs, normal channel signals and substitute channel signals and for selectively connecting the input signals to a plurality of output ports of the video switch; and

circuitry for combining the signals at the output ports into a plurality of cable television channel spectrums equal to the number of distribution trunks.

17. (Original) A television distribution and analysis system in accordance with claim 16 comprising a plurality of channel modulators each connected to an output of the video switch, the channel modulators comprising a number of modulators equal to the number of distribution trunks for each channel of the second channel modulated signals.

18. (Original) A television distribution and analysis system in accordance with claim 9 comprising:

a video switch apparatus for receiving as inputs, normal channel signals and substitute channel signals and for selectively connecting the input signals to a plurality of output ports of the video switch; and

circuitry for combining the signals at the output ports into a plurality of cable television channel spectrums equal to the number of distribution trunks.

19. (Original) A television distribution and analysis system in accordance with claim 18 comprising a plurality of channel modulators each connected to an output of the video switch.

20. (Original) A television distribution and analysis system in accordance with claim 9 comprising:

a plurality of first signal conductors each for conveying a single channel modulated normal television signal;

at least one second signal conductor for conveying a single channel modulated substituted television signal; and

a switched combiner means connected to receive signals from the first signal conductors and the second signal conductor for selectively connecting signals from predefined ones of the first and second signal conductors to the distribution trunks.

21. (Original) A television distribution and analysis system in accordance with claim 20 wherein the switched combiner unit comprises a switched combiner for providing signals to each of the distribution trunks.

22. (Previously Amended) A method for use in a consumer response analyzing system comprising apparatus for distributing television to a plurality of substantially geographically contiguous zones in a community of consumers and a market research computer system, the method comprising:

identifying a consumer parameter of consumers in the community and associating one of the zones of the community with the consumer parameters of a plurality of consumers;
storing in the market research computer system data representing the associations between consumer parameters and zones;

presenting television programming to the community so that a substitute program is presented to the consumers in a first set of zones and normal programming is presented to consumers in a second set of zones, the presenting step being performed after the preceding data storing step;

conducting a survey of a plurality of consumers throughout the community after the presenting step to identify their customer parameter and to identify consumer purchase data;
and

analyzing the survey identified data in the market research computer system to associate each consumer purchase data

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with one of the zones to identify the market significance of substitute programming.

23. (Original) A method in accordance with claim 22 comprising:

identifying consumer telephone numbers as consumer parameters and associating each identified consumer telephone number with the zone including that telephone number; and

storing in the market research computer system data representing associations between consumer telephone numbers and the zones including the identified telephone numbers.

24. (Original) A method in accordance with claim 22 comprising:

identifying consumer addresses as consumer parameters and associating each identified consumer address with the zone including that consumer address; and

storing in the market research computer system data representing associations between consumer addresses and the zones including the identified consumer addresses.

25. (Original) A method in accordance with claim 22 comprising:

identifying consumer names as consumer parameters and associating each identified consumer name with the zone including that consumer name identified; and

storing in the market research computer system data representing the associations between consumer names and the zones including the identified consumer names.

REMARKS

Claims 1-25 were present for examination and all claims stand finally rejected by an Office Action mailed January 16, 2004. The present response is accompanied by a Request for a three month Extension of Time and a Request for Continuing Examination.

Claims 1-4 and 15-17 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite for reasons specifically identified with regard to claims 1, 15 and 17. With regard to claim 1, the Examiner states that claim 1 at lines 19-21 is not understood. The cited lines of claim 1 mean that the substitute television program signal is included on some, but not all of the distribution trunks. This is believed conveyed by the referenced lines of claim 1 and no amendment is presently entered. Claim 15, has been cancelled above. With regard to claim 17 the Examiner asserts that lines 4-6 are indefinite. This claim section refers to the fact that one modulator exists for each channel of the spectrum for each distribution trunk. The specification, page 14, line 33-page 15, line 21 discusses this number of modulators which is also shown in Fig. 2. In the example described, there are three distribution trunks and 13 channels is the spectrum of channels for a total of 39 modulators. In Fig. 2 the video (baseband) switch is denoted 187, the three modulators for channel 2 are denoted 161, 162 and 163 and the three modulators for channel 13 are denoted 168, 169 and 170. In view of this explanation, applicant asserts that the § 112 rejection of claim 17 is traversed.

Claims 1-13 and 22-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wallerstein (U.S. 3,366,731) and Eskin et al. (U.S. 4,331,973). Claims 14-21 stand rejected under 35 U.S.C. 103(a) as unpatentable over Wallerstein in view of Eskin and further in view of Oberle (U.S. 5,389,964).

MPEP Section 706.02(j) states the following with regard to rejections under 35 U.S.C. 103

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

Applicant asserts that the Examiner has failed to establish a *prima facie* case of obviousness because (1) there is no teaching or suggestion in the references to combine the references, and (2) even if the references are combined they do not teach or suggest the limitations in applicant's claims.

Wallerstein describes an arrangement for distributing television signals to a community by producing distribution trunks in a head end where some of the trunks may contain substitute signals. The particular set of signals received by a community member is determined by which trunk the community member is connected to. As described e.g., column 1, line 62-column 2, line 4 the trunks can be connected to the viewers in different geographical areas or to alternating households. No process is discussed to connect community members on the basis of demographic factors as discussed in the present application. Wallerstein mentions (column 2, lines 21-27) that his system permits measurement over time of the effectiveness of different stimuli,

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but it does not discuss in any way how data would be collected or how the input of members of the community would be measured.

On the other hand, Eskin et al. system creates a single cable TV spectrum 14 which is distributed to all viewers in the community (Eskin et al., column 59, lines 12-17; column 6, lines 3-7; Figs 1, 2 and 3) The distributed spectrum includes normal channels and substitute channels. Each television of the relevant parts of the community includes an addressable converter box which is controlled by the cable head end to perform a substitution at the converter box. There is no teaching or suggestion of a combination including the type of distribution disclosed by Wallerstein because such is incompatible. Each distributed converter box of Eskin et al. requires all incoming signals, both normal and substitute, and the Wallerstein system is incompatible with that because it selects at the head end whether a distribution trunk will receive substitute or normal signals. Thus, these two references teach away from their combination and their combination in the present rejection is improper. Accordingly, applicant asserts that the 35 U.S.C. 103 rejection of claims 1-25 is traversed.

Even if the references are combined, which would be improper, their combination does not teach or suggest all of the limitations of applicant's claims. Claim 1 recites a plurality of product sales collection units each predominately collecting purchase information of consumers viewing receivers connected to the same distribution trunk i.e., receiving the same set of broadcast signals whether normal or substitute. This limitation is not taught or suggested by either reference or would it be taught or suggested by their combination. Further, claim 1 recites a market research computer including data for identifying particular sales collection units associated with each distribution trunk.

Wallerstein discloses no data collection and Eskin et al. cannot show or teach such a limitation because it does not distribute signals using distribution trunks as claimed. The Examiner asserts that the market research computer as claimed would be obvious, but no reference is cited to support the assertion, and no basis exists in Wallerstein or Eskin et al. Should the Examiner persist in the present rejection the applicant requests the identity of any additional art known to the Examiner so that a complete response can be formulated.

Neither of the references nor their combination would teach the limitation of claim 2 which recites that the controller for controlling signal substitution on the distribution trunks identifies such substitution to an analysis computer. Wallerstein does not suggest a controller for its distribution system, a market research computer, or a means for them to communicate. The market analysis computer of Eskin et al. would not understand the trunk distribution information from Wallerstein even if generated. Accordingly, the limitations of claim 2 are not taught or suggested. In view of the foregoing, applicant asserts that claim 1 and claims 2-4 which depend from claim 1 are allowable as they now stand.

Claim 5 recites associating one zone with each data collection point when a majority of purchase at a particular data collection point are made by purchases from that zone. No such step is taught or suggested by either reference or their combination. Further, claim 5 recites analyzing data by a data collection point based on the zones receiving normal and substitute programming to identify market significance of the substitute programming. No such analysis is taught or suggested by the references. Wallerstein does not suggest how analysis should be undertaken. Eskin et al. analyzes data based only on panelist identities assigned to members of the community-not on

the basis of data collection points or zones. Accordingly, claim 5 is not obvious even if combination of the references is made.

The Examiner summarily discounts claim 6 which recites identifying consumer data collection points located in stores where a majority of purchases are made by consumers from one zone. No such identifying step is taught or suggested by the references. Wallerstein does not collect data, it only implies that some unexplained analysis may occur. Eskin et al. analyses data based on panelists IDs and thus need not identify as recited in claim 6. In view of the foregoing, claim 6 is not obvious even if the references are combined.

The limitations of claim 9 are not taught or suggested by a possible combination of Wallerstein and Eskin et al. for the reasons discussed with regard to claim 1. Claim 10, which depends from claim 9, is limited to data collectors located in a store a majority of whose purchases are from one zone. No such location of data collection points is taught or suggested by a combination of the references.

With regard to claim 11, the Examiner speculates that although the references do not show or teach the limitations of the claim, such a claim is obvious. If the Examiner has art teaching or suggesting claim 11, in combination with other art or alone, he is hereby requested to identify it so that a complete response can be prepared. The applicant accepts the Examiners statement that the limitation of claim 11 are not in the cited references

Claim 12 recites that the zones (as represented by connections to distribution trunks) connected to given distribution trunks are selected demographically to represent the community. No such limitation is taught or suggested by the references. Eskin et al., has no zoning. Wallerstein only discusses geographic or alternating connections. Again, the

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Examiner explains that such would have been obvious, but such appears to be the result of hind sight.

Regarding claim 22 the Examiner sets forth the rejection in detail. Applicant however, does not agree with the details. Claim 22 recites a step of storing in a market research computer, data representing association between consumer parameters and zones, the step of presenting programming ... after the preceding storing step (emphasis added) and the step of conducting a survey.....after the presenting step (emphasis added). Nothing in Wallerstein or Eskin et al. teaches or shows the sequence of steps being performed in the order claimed. Wallerstein does not teach or suggest methods of data collection. As the Examiner sets forth Eskin et al. teaches scanning consumer IDs by a store scanner, but the Examiner uses this same act of Eskin et al. to represent both the claimed step of storing data and the step of conducting a survey. This is not correct, at least because the step of conducting a survey is performed after the step of presenting programming which is performed after the data storing step. Thus, the cited references or their combination do not suggest or teach the limitation of claim 22. In view of the foregoing, applicant asserts that claim 22 and claims 23-25 which depend therefrom are allowable.

Application No. 08/821,890
Amendment dated July 16, 2004
Reply to Office Action of January 16, 2004

Attorney Docket No. 66597

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully requested,

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Page 1 of 1

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APPLICATION NO.: 08/821,890
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INVENTOR(S) : Thomas M. Cowan et al

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Column 16, Claim 4, Line 17: Change "a-store" to -- a store --;

Column 16, Claim 5, Line 29: Change "aunique" to -- a unique --; and

Column 18, Claim 21, Line 46: After "consumers;" begin a new paragraph.

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